

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 05-CR-30016-MJR</b>
	)	
<b>PERNELL CORTEZ STARKS,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM and ORDER**

**REAGAN, District Judge:**

On June 23, 2005, a jury convicted Defendant Pernell Cortez Starks of violating **18 U.S.C. § 1505** as charged in the superseding indictment. Starks is scheduled for sentencing before this Court on November 4, 2005, and he currently remains on release. By motion filed September 1, 2005, Starks asks this Court to amend the conditions of his release.

Specifically, Starks requests that he be allowed to travel outside of the states of Illinois and Indiana to the extent necessary to fulfill his duties as a member of the 938<sup>th</sup> Military Police Unit of the National Guard. The Government objects, arguing that Starks necessarily would violate **18 U.S.C. § 922(g)(1)**(prohibition of possession of a firearm by a convicted felon) in fulfilling these duties, as he would be permitted to possess a firearm.

For the following reasons, this Court hereby grants Starks' motion to amend the conditions of his release.

As noted above, the Government orally objects to the motion. However, this Court finds that Starks reported for military roll call on September 2, 2005, at which time he received duty orders issued by his military superiors. Without the requested amendment to the conditions of his

release, Starks will very shortly be in violation of these duty orders.

Accordingly, the Court finds that to delay ruling on the present motion until after *written* objections are filed by the Government would unduly burden Starks. Moreover, the law clerk to the undersigned Judge has spoken to United States Pretrial Services Officer Troy Adamson, the officer who has been supervising Starks' release out of Hammond, Indiana. Mr. Adamson assures this Court that, since his release, Starks has been "extremely compliant" with the conditions of his release and has been completely cooperative with Mr. Adamson.

For the foregoing reasons, this Court abstains from ruling upon the potential applicability of **18 U.S.C. §§ 922(g)(1) and 925(a)(1)**(both regarding exemptions for persons convicted of certain crimes to possess government issued firearms as part of government services) but **GRANTS** Starks' motion (Doc. 46).

**IT IS SO ORDERED.**

**DATED this 6th day of September, 2005.**

s/Michael J. Reagan  
**MICHAEL J. REAGAN**  
**United States District Judge**